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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BM  
#6/10-25-02

In re Application of:  
Thomas R. Birchard  
Serial No. 09/718,004  
Filed: 11/21/2000  
For: METHOD AND APPARATUS FOR  
FORMING GLASS COILED TUBE

) Group Art Unit: 1731  
) Examiner: Colaianni, Michael

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Assistant Commissioner for Patent  
Washington, DC 20231

RESPONSE TO OFFICE ACTION

In response to the office action of April 10, 2002, Applicant submits the following remarks. Applicant respectfully requests the reconsideration of the rejections.

Examiner rejects claims 1-10 as being anticipated by Wellech. However, anticipation requires that every element of the claim be disclosed in the single reference in the manner claimed.

The examiner asserts that Wellech teaches "tension adjusting means for controlling the tension between the attachment means and the stabilizer bar, and means for adjusting resistance to the movement of the coil". Applicant asserts that Wellech does not in fact so teach. Wellech discloses only an adjustable glass drawing disc (63 in Fig. 3). This is an "adjustable glass drawing disk ... composed of fibre". The purpose of the disk is to "engage and draw glass off the spindle ( #50)". After the formed glass thread has been driven past the bifurcated end of the spindle (which is the means of drawing the glass thread only for the initial startup

only) the disk 63 is the means for drawing the glass thread around the spindle and moving the formed coil along the "stabilizing bar". If this disk is stopped the drawing stops. It cannot resist and draw the glass at the same time, as does the applicant's. It is not therefore "tension adjusting" means.

The examiner also cites Klavik as both anticipating and rendering applicant's invention obvious. Klavik does not provide any "means for adjusting resistance to the movement of the coil" on the stabilizer bar or mandrel either. While Klavik may provide resistance, there is nothing in Klavik that discloses resistance, discusses resistance, or even teaches to adjust the resistance.

As to the remaining informalities and corrections, Applicant will amend claim 2 as requested by the examiner to correct the informalities noted in the Examiner's objection in Examiner's paragraph 4, and to provide the antecedent basis in Claim 5 (examiner's paragraph 6).

Applicant respectfully requests the Examiner reconsider the rejections based on anticipation and obviousness, and allow the application.

Respectfully submitted,

Date: 10/10/02

WRIGHT, HENSON, SOMERS, SEBELIUS,  
CLARK & BAKER, LLP  
Commerce Bank Building Downtown, 2nd Floor  
100 E. 9th Street, P. O. Box 3555  
Topeka, Kansas 66601-3555  
(913) 232-2200

By Bruce J. Clark  
Bruce J. Clark, #31,339



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CERTIFICATE OF MAILING

I hereby certify that an original of the above and foregoing and extension fee was deposited in the U.S. Mail, first class, with proper postage, on this 10<sup>th</sup> day of October, 2002, addressed to the following:

Assistant Commissioner for Patents  
Washington, DC 20231

on October 10, 2002, and a filing date of October 10, 2002, is requested, pursuant to Rule 1.17 (a)(3).

WRIGHT, HENSON, SOMERS, SEBELIUS,  
CLARK & BAKER, LLP  
Commerce Bank Building Downtown, 2nd Floor  
100 E. 9th Street, P. O. Box 3555  
Topeka, Kansas 66601-3555  
(913) 232-2200

Date:

10/10/02

By

Bruce J. Clark

Registration No. 31,339